

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition for Declaratory Ruling to Clarify)	WT Docket No. 11-35
Provisions of Section 332(c)(3)(A) and to)	
Declare that Connecticut’s CPCN)	
Requirement is Entry Regulation)	

MOTION TO WITHDRAW PETITION FOR DECLARATORY RULING

On December 3, 2010, CTIA—The Wireless Association® (“CTIA”),¹ filed a Petition for Declaratory Ruling² asking the Federal Communications Commission (“Commission”) to clarify the scope of the ban on state and local entry regulation under Section 332(c)(3)(A) of the Communications Act of 1934, as amended.³ Specifically, CTIA sought a declaratory ruling that action by the Connecticut Department of Public Utility Control (“DPUC”) requiring wireless providers to apply for and obtain a Certificate of Public Convenience and Necessity (“CPCN”) from the DPUC before seeking permission to access public rights-of-way contradicted Section 332(c)(3)(A).

On January 16, 2011, the DPUC reopened its proceeding to address whether to reconsider the requirement that CMRS providers obtain a CPCN before accessing the public rights-of-way.

¹ CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, and AWS, as well as providers and manufacturers of wireless data services and products.

² In the Matter of Petition of CTIA-The Wireless Association for Declaratory Ruling to Clarify Provisions of Section 332(c)(3)(A) and to Declare that Connecticut’s CPCN Requirement is Entry Regulation (Dec. 3, 2010) (“Petition”).

³ See 47 U.S.C. § 332(c)(3)(A).

On April 27, 2011, the DPUC issued a decision indicating that it “has reconsidered [the CPCN] requirement and will not require CMRS providers to obtain a CPCN in order to access the public rights of way.”⁴

Because the DPUC’s *April 27th Decision* substantially addressed CTIA’s primary concerns, CTIA hereby respectfully requests that it be granted leave to withdraw its Petition for Declaratory Ruling.

Respectfully submitted,

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June 2, 2011

⁴ See *DPUC Investigation into the Deployment of Distributed Antenna System (DAS) in the Public Rights of Way in Connecticut – CPCN Requirement*, Connecticut DPUC, Docket No. 08-06-19RE01 (Apr. 27, 2011) (“*April 27th Decision*”).